

REMARKS

This responds to the Office Action dated September 17, 2004.

Claims 27 and 51 are amended, no claims are canceled, and no claims are added; as a result, claims 27-56 remain pending in this application.

Claims 27 and 51 are amended to more clearly recite the claimed subject matter. It is believed that the amendment is supported by various portions of the specification, including, Figs. 3A, 5A, 6, 7A-7D and 8A-8E as well as the corresponding portions of the specification. It is believed that no new matter is introduced herein and Applicant respectfully requests entry of the amendment.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Supplemental Information Disclosure Statement dated May 21, 2002, marked as being considered and initialed by the Examiner, be returned with the next official communication.

§102 Rejection of the Claims

Claims 27-43, 48 and 51-56 were rejected under 35 USC § 102(e) as being anticipated by Siczek et al. Applicant assumes that the Office Action citation to Siczek et al. refers to US 6,022,325. If this understanding is incorrect, Applicant requests clarification and a full opportunity with which to respond.

Notwithstanding the amendment of claims 27 and 51, Applicant respectfully traverses the rejection and submits that *prima facie* anticipation has not been established. Applicant is unable to find, in Siczek (U.S. 6,022,325), a teaching or disclosure of an axis having a user selectable position, as recited in claims 27 and 51. The discussion at column 12 lines 1-13 of Siczek appears to refer to a tapered roller bearing assembly and appears silent as to a user selectable position.

As to dependent claims 28-43, 48 and 52-56, each recites additional elements beyond that of the independent claim, and accordingly, it is believed that each is in condition for allowance.

For these and other reasons, Applicant submits that Siczek does not appear to anticipate the recited subject matter.

§103 Rejection of the Claims

Claim 44 was rejected under 35 USC § 103(a) as being unpatentable over Siczek et al. in view of Russell et al.

Notwithstanding the amendment of claim 27, Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. Applicant is unable to find, in the proposed combination of Siczek and Russell, a teaching or suggestion of an axis having a user selectable position, as recited in claim 27 and from which claim 44 depends. In particular, Applicant notes the discussion at column 12 lines 1-13 of Siczek which refers to "substantial elimination of undesirable backlash and play in the support . . . " In contrast, the present subject matter provides multiple degrees of freedom not found in the cited art. Accordingly, it appears that the Office Action has not established *prima facie* obviousness.

Claims 45-47 were rejected under 35 USC § 103(a) as being unpatentable over Siczek et al. in view of Russell et al. and further in view of Chakeres.

Applicant traverses the rejection and submits that *prima facie* obviousness has not been established for at least the reasons presented in earlier remarks. The addition of Chakeres, to the proposed combination of Siczek and Russell does not appear to cure the shortcomings noted earlier. Furthermore, Applicant is unable to find, at the cited portions of Chakeres, a teaching or suggestion wherein the window includes a permeable cover, as recited in claim 45, a sterilizeable permeable cover, as recited in claim 46 or a permeable mylar cover, as recited in claim 47. The Office Action does not appear to set forth facts sufficient to meet the burden of establishing *prima facie* obviousness.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 49 and 50 were rejected under 35 USC § 103(a) as being unpatentable over Siczek et al. in view of Panetta et al.

Applicant traverses the rejection and submits that *prima facie* obviousness has not been established for at least the reasons presented in earlier remarks. In addition, the record does not appear to include the requisite motivation for pursuing the proposed combination of Panetta and Siczek. For example, the Office Action asserts that "use of plastic materials . . . as a cheaper, well known expedient in the art." Applicant respectfully traverses and submits that such a generalized and non-specific motivation does not meet the burden of establishing *prima facie* obviousness. Applicant respectfully requests citation to an authority in support of the assertion.

Reconsideration and withdrawal of the rejection is respectfully requested.

Election Requirement

This application contains withdrawn claims 1-13 and 26. Pursuant to M.P.E.P. § 821.02, cancellation of the withdrawn claims is appropriate when the application is ready for issue. In addition, and upon an indication of allowability, Applicant offers to cancel the withdrawn claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

NIKOLAOS V. TSEKOS

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6911

Date

December 17, 2004

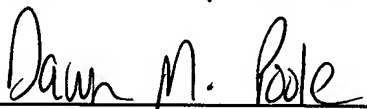
By



David W. Black

Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of December, 2004.



Name



Signature